

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No.
)	14-00207-01-CR-W-HFS
MARIO ALI HOLMES,)	
Defendant.)	

ORDER FOR COMPETENCY EXAMINATION

On July 28, 2014, counsel for the defendant filed a motion (Doc. No. 12), pursuant to 18 U.S.C. § 4241(a) and (b), for a judicial determination of defendant's mental competency. The motion seeks an order for a psychiatric or psychological examination of him and that a psychiatric or psychological report be filed with the Court as to defendant's mental ability to understand the proceedings presently pending against him and to properly assist counsel in his own defense.

On July 17, 2014, a Complaint was filed in the United States District Court, Western District of Missouri, charging the defendant with bank robbery, in violation of 18 U.S.C. § 2113(a). The defendant initially appeared before the Court on July 17, 2014 . The Federal Public Defender for the Western District of Missouri and his assistants were appointed to represent the defendant. On July 22, 2014, a detention hearing was held and defendant was ordered detained pending trial.

On July 29, 2014, an Indictment was filed charging defendant with bank robbery, in violation of 18 U.S.C. §§ 2113(a). An initial appearance on the Indictment has not yet been held.

The suggestions in support of the motion for a judicial determination of the defendant's mental competency read, in part, as follows:

Mr. Holmes had a prior federal criminal case in the Western District of Missouri in 2001. Records from that case indicate that Mr. Holmes exhibited symptoms of mental illness, was subject to evaluations for competency, and was treated at the U.S. Medical Center in Springfield, Missouri for a period of time.

Counsel has spoken to Mr. Holmes and his mother. Both confirm that he has been diagnosed with paranoid schizophrenia and that he has been on medication to treat this illness for at least the past eight years. Mr. Holmes' mother reports that he has shown increasing signs of delusional behavior and hallucinations over the past few months.

On July 16, 2014, during his interrogation regarding this alleged offense, Mr. Holmes made comments to law enforcement that he heard voices and had cameras in his head.

Counsel has reason to believe that the defendant is suffering from a mental disease or defect which renders the defendant incapable of understanding the pending charges or assisting in his defense.

Based on the prior mental health history of Mr. Holmes and recent conduct on his part witnessed by his mother and law enforcement, counsel requests this Court to order a mental examination of the defendant to determine his mental ability to understand the proceedings and to assist in his defense.

Assistant U.S. Attorney, Bruce Rhoades, and has no objection to this motion.

The Court finds, from the defendant's motion and supporting suggestions, that the defendant might presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense. The undersigned further believes that prior to conducting a hearing in respect to the defendant's mental competency to stand trial, the defendant should undergo a psychiatric examination.

It is

ORDERED that the Motion of defendant Holmes for Determination of Competency filed on July 28, 2014, (Doc. No. 12), is GRANTED. Defendant shall be committed to a suitable

facility, pursuant to 18 U.S.C. § 4247(b) and (c), to undergo a psychiatric examination, pursuant to 18 U.S.C. § 4241(b), to be conducted by a licensed or certified psychiatrist or psychologist¹ employed by the institution to determine whether he is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense. It is further

ORDERED that the commitment to a suitable facility herein ordered shall not exceed 30 days unless that time is extended for an additional period of time not to exceed 15 days upon a showing of good cause that the additional time is necessary to observe and evaluate the defendant. It is further

ORDERED that, upon completion of the examination herein ordered, the examining psychiatrist or psychologist shall prepare a report, for filing with the Court, in accordance with the provisions of 18 U.S.C. §§ 4247(b) and (c). The original report (no copies are needed) is to be sent to the undersigned at Charles Evans Whittaker U.S. Courthouse, 400 E. 9th Street, Rm. 7662, Kansas City, MO 64106, telephone (816) 512-5745. The Court will provide copies to counsel. It is further

ORDERED that the United States Probation/Pretrial Services Office for the Western District of Missouri shall: (1) obtain a copy of the indictment, (2) obtain a copy of defendant's medical records for the Medical Center for use in conducting the psychological examination. It is further

¹ Due to defendant Holmes' prior history of competency evaluation and treatment at the U.S. Medical Center in Springfield, Missouri, the Court recommends that a psychiatrist conduct the examination to determine whether there is any organic component to the defendant's condition.

ORDERED that the United States Marshal for the Western District of Missouri forthwith transport the defendant to a suitable facility. It is further

ORDERED that, upon completion of the examination herein ordered, the defendant shall promptly be returned before the Court for a hearing to determine whether or not defendant is presently suffering from a mental disease or defect which renders him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

/s/ JOHN T. MAUGHMER

JOHN T. MAUGHMER
United States Magistrate Judge

Kansas City, Missouri